

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KYLE LEE PAYMENT,

Plaintiff,

v.

RYAN SIEGLER et al.,

Defendant.

CASE NO. C13-5496 RBL-JRC

ORDER DENYING PLAINTIFF'S
MOTION FOR APPOINTMENT OF
COUNSEL

The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4.

Plaintiff asks the Court to appoint counsel to represent him in this action (ECF No. 14). Plaintiff does not meet the criteria for appointment of counsel. Neither plaintiff's incarceration nor his being housed in an intensive management unit represent extraordinary circumstances.

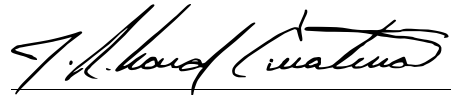
There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the Court can request counsel to represent a party, 28 U.S.C. § 1915(e)(1), the Court may do so only in exceptional circumstances. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th

1 Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984); *Aldabe v. Aldabe*, 616 F.2d
2 1089 (9th Cir. 1980). A finding of exceptional circumstances requires the Court to evaluate both
3 the likelihood of success on the merits and the ability of plaintiff to articulate his claims pro se in
4 light of the complexity of the legal issues involved. *Wilborn*, 789 F.2d at 1331.

5 Plaintiff alleges that prison officials failed to protect him when he was suicidal and
6 injured himself. Plaintiff also alleges the defendants were deliberately indifferent to his medical
7 needs (ECF No. 5). Plaintiff's complaint is clear and concise. The Court is not in a position to
8 evaluate the chance for success on the merits at this stage of the litigation.

9 The Court denies plaintiff's motion for appointment of counsel.

10 Dated this 4th day of September, 2013.

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13 J. Richard Creatura
14 United States Magistrate Judge
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